

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No: 10/764,676 Confirmation No. 9441
Peter Rohnert, et al. Examiner T.A. Solola
Filed: January 26, 2004 Art Unit 1626
For: Drug Preparation Comprising α -Lipoic Acid, Ambroxol And/Or Inhibitors Of The Angiotensin-Converting Enzyme (ACE) And Its Use For The Treatment Of Neurodegenerative Diseases

RESUBMISSION OF PETITION UNDER 37 C.F.R. §1.181(A) TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a resubmitted Petition to Withdraw the Holding of Abandonment of the above-identified patent application.

Applicants' initial Petition in this case was filed with the Patent Office on March 4, 2009, and was dismissed (but not denied) in a Decision on Petition rendered October 20, 2010.

The facts related to this matter are as follows:

A Notice of Abandonment in the present case was mailed on February 23, 2009. It indicated that the above-identified patent application went abandoned for "failure to timely pay the required issue fee and publication fee." However, on January 21, 2009, Applicants did submit the issue fee transmittal document with a signed certificate of first class mailing dated January 21, 2009, and a check for payment of required issue fee and publication fee in the amount of \$1,810.00.

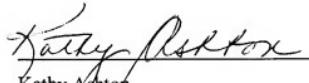
Applicants' initial Petition included copies of the following:

- 1) A copy of the Issue Fee Transmittal **with a signed certificate of first class mailing** dated January 21, 2009; and
- 2) A copy of our check (No. 492878) in the amount of \$1,810.00.

Copies of items 1) and 2) as provided with the initial Petition are also submitted with this resubmitted Petition.

Thus, a signed certificate of mailing was included on the issue fee transmittal document which was mailed to the U.S. Patent Office, along with the aforementioned check on January 21, 2009, and was therefore timely under 37 C.F.R. §1.8(a). The certificate of mailing was signed on the issue fee transmittal document by Ms. Kathy Ashton, who makes the following statement:

I, **Kathy Ashton**, attest based on personal knowledge that I signed the Certificate of Mailing on the Issue Fee transmittal document for the above-referenced patent application on January 21, 2009. On January 21, 2009, I deposited the issue fee transmittal document (and our check No. 492878 for the required fees) with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Mail Stop ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450:



Kathy Ashton

Dated: 11/17/2010

Applicants respectfully point out the present Petition is being resubmitted in response to the Decision on Petition dated October 20, 2010. That Decision on Petition dismissed (but did no deny) the initial Petition for allegedly lacking evidence, but did not include information about re-submitting the Petition with the evidence deemed to be lacking. Applicants nevertheless believe they are entitled to resubmit the present papers with additional information alleged to be missing from the initial Petition, and thus believe this resubmission of the Petition is permissible

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Attorney Docket No.: 013183.00037

and timely and meets the requirements of 37 C.F.R. 1.8(b), and any other applicable requirements for granting. Accordingly, it is respectfully requested that the instant resubmitted Petition be granted and the holding of abandonment of the above-identified patent application be withheld and the application be passed to issuance.

Our records indicate the US Patent Office has not cashed the aforementioned check for payment of required fees for issuance of the patent. Accordingly, the Commissioner is hereby authorized to charge Deposit Account, No. 08-2442 for the required issue and publications fees, and for any other fees required to allow this application to be issued. It is believed no other fees are due for this resubmitted Petition. If any other fees are due, the Commissioner is hereby authorized to also deduct those fees from the same Deposit Account.

If there are any difficulties with this resubmitted Petition, it is requested that the undersigned by contacted at the telephone number indicated below.

Respectfully submitted,

HODGSON RUSS LLP
Attorneys for Applicants

/John D. Lopinski/

By: _____
John D. Lopinski, Esq.
Reg. No. 50,846

Date: November 17, 2010

Hodgson Russ LLP
The Guaranty Building
140 Pearl Street, Suite 100
Buffalo, New York 14202-4040
(716) 856-4000

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885



INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

26712 3590 10/29/2008

HODGSON RUSS LLP
 THE GUARANTY BUILDING
 140 PEARL STREET
 SUITE 100
 BUFFALO, NY 14202-4040

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the above (ISSUE FEE) address above, or being transmitted to the USPTO (571) 273-2885, on the date indicated below.

Kathy Ashton <i>Kathy Ashton</i>	(Depositor's name) <i>Kathy Ashton</i>
January 21, 2009	(Signature) <i>Kathy Ashton</i>
	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/794,676	01/26/2004	Peter Rohren	15183.0037	9441

TITLE OF INVENTION: DRUG PREPARATION COMPRISING ALPHA-LIPONIC ACID, AMBROXOL AND/OR INHIBITORS OF THE ANGIOTENSIN-CONVERTING ENZYME (ACE) AND ITS USE FOR THE TREATMENT OF NEURODEGENERATIVE DISEASES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	01/29/2009
EXAMINER	ART UNIT	CLASS/SUBCLASS				
SOLOLA, TAFOIQ A	1625	514-440000				

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.36)

- Change of correspondence address (or Change of Correspondence Address Form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47, Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the name of up to 3 registered patent attorneys or agents OR, alternately,
 (2) the name of a patent firm, having as a member a registered patent attorney or agent, and the names of up to 2 registered patent attorneys or agents. If no names is listed, no name will be printed.

Hodgson Russ LLP

2. _____
 3. _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE
Keyneurotek Pharmaceuticals AG

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)
Magdeburg, Germany

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

- Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- A check is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 15-1441 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
 b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature *J. D. Lepinski*

Date January 21, 2009

Typed or printed name John D. Lepinski

Registration No. 50,846

This collection of information is required by 37 CFR 1.111. The information is required to obtain or retain a benefit by the public which is to be had by the USPTO in processing an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 15 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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MA & T INS Manufacture and Trade True Company Sect 75 NE 51st St Kingsbridge, Bronx, New York 10460 Check No. 492878 Date - Number N.Y. 12465	492878
check no.	check date...
492878	Jan-21-2009
PAY TO THE DIRECTOR OF U.S. PATENT AND TRADEMARK OFFICE ORDER OF HODGSON RUSS LLP ATTORNEYS AT LAW	
ONE THOUSAND EIGHT HUNDRED TEN AND 00/100 DOLLARS**	
\$*****1,810.00	

BY [Signature]

492878 [Redacted]

INV. DATE	INV. #	VOUCHER #	INVOICE DESCRIPTION	CHECK DATE:	AMOUNT PAID
01-21-09	013183.00037	690895	PTO filing fee • issue fee	01-21-09	1,810.00